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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	
09/149,216	09/08/98	MINAKUCHI	Y	21.1757-C-DI
WM11/1012			EXAMINER	
STAAS & HALSEY 700 ELEVENTH STREET, N.W., SUITE 500 WASHINGTON DC 20001			MENGISTU, A	
ART UNIT		PAPER NUMBER		9
2673				
DATE MAILED:			10/12/00	

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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LMC1/0929

STAAS & HALSEY  
1825 K STREET N W SUITE 816  
WASHINGTON DC 20006

EXAMINER

MENGISTU, A

ART UNIT	PAPER NUMBER
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2778

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DATE MAILED:

09/29/00

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Commissioner of Patents and Trademarks

## Office Action Summary

Application No.  
09/149,216

Applicant(s)  
Yu MINAKUCHI et al

Examiner  
AMARE MENGISTU

Group Art Unit  
2778

Responsive to communication(s) filed on \_\_\_\_\_

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire one month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claim

Claim(s) 2-110

Of the above, claim(s) \_\_\_\_\_

is/are pending in the application

Claim(s) \_\_\_\_\_

is/are withdrawn from consideration

Claim(s) \_\_\_\_\_

is/are allowed.

Claim(s) \_\_\_\_\_

is/are rejected.

Claim(s) \_\_\_\_\_

is/are objected to.

Claims 2-110

are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received

received in Application No. (Series Code/Serial Number) \_\_\_\_\_

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

Office Action Summary

Part of Paper No. \_\_\_\_\_

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## **DETAILED ACTION**

### *Claim Objections*

1. Claims 2-10 have been withdrawn from examination, because these claims depend on a canceled claim 1. Accordingly, the claims 2-10 has not been further treated on the merits.

### *Election/Restriction*

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 11-33,37-42,55-56,78-79,90,101-102 are , drawn to simulation manipulation of touch sensitive input device, classified in class 345, subclass 173.
  - II. Claims 34-36,43-54,63,70,76,82,91,100 are, drawn to computer readable medium storage device, classified in class 345 , subclass 507.
  - III. Claims 57-62,64-69,71-75,77,80-81,83-89,92-99,103-110 are , drawn to an input device to manipulate an object on a display device, classified in class 345, subclass 156.
3. The inventions are distinct, each from the other because of the following reasons: Inventions group I and group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group II is a computer readable

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storage medium is separate utility such as used in a computer program environment. See MPEP § 806.05(d).

Inventions group I and group III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group III is a display device to manipulate an object is separate utility such as used in an input device which can be a mouse, a trackball and a joystick. See MPEP § 806.05(d).

Inventions group II and group III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group II is a computer readable storage medium is separate utility such as used in a computer program enviornment. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amare Mengistu whose telephone number is (703) 305-4880.

A. M

September 28, 2000

  
Amare Mengistu  
Primary Examiner